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Letter dated 11 August 2010 from the Chargé d'affaires a.i. of the Permanent Mission of El Salvador to the United Nations addressed to the Secretary-General

I have the honour to inform you of the decision taken by the Government of El Salvador to withdraw its reservations to the Programme of Action of the International Conference on Population and Development, adopted at the 13th plenary meeting of the International Conference on Population and Development on 13 September 1994 in Cairo, which contains references to the concepts of family, reproductive rights, reproductive health, family planning and the term "individuals".

In that regard, please find enclosed herewith an explanatory memorandum outlining the position of the Government of El Salvador on that important issue (see annex).

I should also be grateful if you would have this letter circulated as a document of the United Nations under agenda item 48 of the General Assembly.

(*Signed*) Carlos Enrique **García González**
Chargé d'affaires

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Annex to the letter dated 11 August 2010 from the Chargé d'affaires a.i. of the Permanent Mission of El Salvador to the United Nations addressed to the Secretary-General

Withdrawal of the reservations made by El Salvador to the Programme of Action of the International Conference on Population and Development, adopted in Cairo, in 1994

El Salvador,

Bearing in mind the reservations made by El Salvador at the 13th plenary meeting of the International Conference on Population and Development, held on 13 September 1994 in Cairo, which refers to concepts such as the family, reproductive rights, reproductive health, family planning and the term individuals,

Considering the commitments of El Salvador as a State party to the Convention on the Elimination of All Forms of Discrimination against Women and bearing in mind the observations made by that Committee on the seventh periodic report of El Salvador with regard to health, expressing concern about vulnerable groups of women, in particular in rural areas, who still have difficulty in accessing health-care services; inconsistent statistics on maternal mortality; the high incidence of births among adolescents, which have a negative impact on women's physical and mental health; the limited effectiveness of sex education programmes for girls and boys in school curricula; and the lack of information on HIV/AIDS, as well as the feminization of that phenomenon,

Pursuant to the Committee's recommendation that the country undertake comprehensive research into the specific health needs of women, including reproductive health; financially and organizationally strengthen family planning programmes addressed to women and men and provide wide access to contraceptives for all women and men, including teenagers and young adults; reinforce sex education programmes for both girls and boys in order to foster responsible sexual behaviour; facilitate a national dialogue on women's rights to reproductive health, including on the consequences of restrictive abortion laws; address the gender aspects of HIV/AIDS, including the power differential between women and men, which often prevents women from insisting on safe and responsible sexual practices; strengthen its efforts to raise awareness and educate women and girls on ways to protect themselves from HIV/AIDS; and ensure that women and girls are accorded equal rights and access to HIV/AIDS services and related health care and social services,

Aware of the current state of women's health, specifically in the field of sexual and reproductive health, as evidenced by the high rate of teenage pregnancy, the high rate of preventable maternal deaths, the feminization of HIV/AIDS and other factors that have increased the feminization of poverty, and the prevalence of violence against women in the country,

Recognizing the undeniable relationship between sexual and reproductive health and the achievement of the Millennium Development Goals by 2015,

Also taking into account the progress achieved by countries in the 15 years since the adoption of the Programme of Action of the International Conference on Population and Development (Cairo Programme of Action),

Wishes to state the following:

1. Under its Constitution, El Salvador recognizes the family as the fundamental basis of society; it should therefore receive comprehensive protection and support, in particular through the enactment of legislation and the creation of the appropriate organizations and services for fostering its cohesion, welfare and social, cultural and economic advancement. This approach is compatible with the provision of paragraph 5.1 of the Cairo Programme of Action.

While the Salvadorian Constitution provides that marriage is the legal basis of the family, it also states that, despite the value attached to marriage, it is not a precondition to exercising any of the rights set forth in the Constitution for the family. Thus the Constitution recognizes that, because of various factors there co-exist in El Salvador various family units, including those that were initially created through marriage, extramarital unions or non-marital means; whether or not the marriage was subsequently dissolved or there was a change in the status of the extramarital union or non-marital arrangement, so that marital status alone is not reflective of the Salvadorian family structure. Clearly, there is no single family structure. Available national information shows that 37 per cent of household heads are women (National Family Health Survey, FESAL-2008, pp. 23-24, figure 3.5 and table 3.24), and of those, 38.8 per cent are single, divorced, widowed or have a de facto separation status (ibid., p. 49, table 3.25). In addition, among women between the ages of 15 and 49 who had at any time been in a marital union, 42.7 per cent were cohabiting, 36.1 per cent were married, 18.2 per cent were in a situation of de facto separation, 2.3 per cent were widowed, and 0.7 per cent were divorced (ibid., p. 75, table 4.14).

El Salvador understands the use of the term "diversity of family forms" or "various forms of the family" in the text of the Cairo Programme of Action to mean a generic wording typical of international instruments of a universal scope which is meant to be broad enough to encompass various family structures and patterns in the world. This helps to focus the attention of States and the international community on the family as a sociological entity, irrespective of its specific form or make up.

2. Reproductive rights, reproductive health and family planning.

Reproductive rights are a set of freedoms and rights recognized for couples and individuals so they can decide freely and responsibly the number, spacing, and timing of their children, and to have information and the means to do so and the right to attain the highest standard of sexual and reproductive health, without their reproduction-related decisions causing them to suffer discrimination, coercion or violence, in accordance with human rights documents. In that regard, El Salvador reiterates that, as recognized in paragraph 8.25 of the Cairo Programme of Action, in no case shall abortion be promoted as a method of family planning.

El Salvador understands reproductive health to mean not only the absence of diseases related to the reproductive system, its functions and processes, but a state of complete physical, mental and social well-being of the population. This includes the ability to have a satisfying and safe sex life and to reproduce with the freedom to decide if, when and how often to do so, with a better understanding of the need for responsible human sexuality and in accordance with the current realities of sexual behaviour. Implicit in these conditions is the right of women and men to be

informed and to have access to safe, effective, affordable and acceptable methods of family planning of their choice.

With regard to teenage girls and boys, the application of the concept of reproductive health mainly entails assisting them to make informed decisions. In that regard, education, awareness-raising and counselling about sexuality, with a gender perspective are vital. It is important to note that these activities need to address the specific issues of adolescence and also the particular needs of women. In addition, it is crucial for the family, school and officials responsible for adolescent issues to be actively involved in the development of educational material for teenagers.

In providing such services, it shall be ensured that the programmes and attitudes of health-care providers do not restrict the access of teenage girls and boys to the appropriate services and to the information that they need. Health-care providers should also protect the rights of the teenage girls and boys to privacy, confidentiality, respect and informed consent. It is important to note that both the national legislation and the Cairo Programme of Action understand confidentiality to be between the adolescents and their service-providers, and not between parents and children.

With regard to family planning, it should be noted that El Salvador is one of the Latin American countries with the highest rate of teenage pregnancy; in 2008 alone, around 23,500 births were recorded among girls and adolescents aged 10 to 19 (2008 newsletter of health indicators, Ministry of Public Health and Social Welfare, p. 5, table 3), reflecting the fact that girls engage very early in unprotected sex and are often subjected to sexual abuse. In El Salvador, the average age at first intercourse among women aged between 15 and 24 is 16.3 years old (National Family Health Survey, op. cit., p. 141), with 20.9 per cent having it before age 15, 69.2 per cent between ages 15 and 19 (48.3 per cent between ages 15 and 17, and 20.9 per cent between ages 18 and 19), and 9.8 per cent between ages 19 and 24 (ibid., p. 153). This situation urgently calls for the development of comprehensive sex education, together with the development of policies for the prevention of violence against women, including sexual violence, with a view to empowering women, especially with regard to their sexual choices and sexual and reproductive health.

In view of the foregoing and considering that, as previously mentioned, neither the Cairo Programme of Action nor national legislation promotes abortion as a method of family planning, El Salvador fully accepts the concepts of reproductive rights, reproductive health and family planning contained in that document.

3. With regard to the term "individual", the State of El Salvador wishes to note that the Cairo Programme of Action uses the concept to identify who is entitled to the enjoyment and/or exercise of rights and freedoms. In other words, there are rights and freedoms to which the individual or single human being is entitled, just as there are rights and freedoms that families or couples are entitled to, as understood from a good faith reading of paragraphs 7.3, 7.16, 11.15 (b), 12.1, 12.20 (a) and 13.15 (a), among others, of the Cairo Programme of Action.

In the light of the above, the State of El Salvador has decided to withdraw the reservations it had previously made to the above-mentioned concepts contained in the Cairo Programme of Action and accepts the contents thereof in its entirety.